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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,317	12/02/2003	Folkert Horst	04518/0200618-US0	9681
7278	7590	01/13/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			GIBSON, ERIC M	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/728,317	Applicant(s) HORST ET AL.	
	Examiner Eric M. Gibson	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/2/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al. (US006401015B1).

Per claim 1, Stewart teaches a transmitter for remotely controlling and testing a train, including a control entity for issuing a plurality of commands to a slave controller (34, figure 5), the plurality of commands including a brake testing command (see column 17-18), and a communication entity in communication with the control entity for receiving commands issued by the control entity and transmitting a signal over a communications link to the slave controller for conveying the commands issued by the control entity (32, figure 5).

Per claim 2, Stewart teaches that the communication link is radio (32, figure 5).

Per claim 3, Stewart teaches airflow and leakage tests (columns 17-18).

Per claim 4, Stewart teaches indicating to the operator the result of the test (column 18, lines 1-9).

Per claim 5, Stewart teaches indicating whether the test passed or failed (column 18, lines 1-9).

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Per claim 6, Stewart teaches measuring air pressure (column 17, line 59 – column 18, line 9).

Per claim 7, Stewart teaches determining whether the test passed or failed (column 18, lines 1-9).

Per claim 8, Stewart teaches a user interface (column 7, lines 16-21).

Per claims 9-11, Stewart teaches that the operator may initiate airflow and leakage tests (columns 17-18).

Per claim 12, Stewart teaches indicating to the operator the result of the test (column 18, lines 1-9).

Per claim 13, Stewart teaches indicating whether the test passed or failed (column 18, lines 1-9).

Per claim 14, Stewart teaches measuring air pressure (column 17, line 59 – column 18, line 9).

Per claim 15, Stewart teaches determining whether the test passed or failed (column 18, lines 1-9).

Per claim 16, Stewart teaches that the system is capable of audio alarms (see figure 4).

Per claim 17, Stewart teaches a slave controller including a control entity (34, figure 5), a communication entity (32, figure 5), with the control entity responsive to brake testing commands received by the communication entity (see column 17-18).

Per claim 18, Stewart teaches that the communication link is radio (32, figure 5).

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Per claim 19, Stewart teaches instructing the control to alter the air pressure in a brake pipe (column 17-18).

Per claims 20-22, Stewart teaches transmitting a message as a result of the test (column 18, lines 1-9).

Per claims 23, 26, 30, and 32, Stewart teaches that the operator may initiate airflow and leakage tests (columns 17-18).

Per claims 24, 27, 31, and 33, Stewart teaches detecting airflow rate (column 17-18).

Per claim 25, Stewart teaches measuring air pressure (column 17, line 59 – column 18, line 9).

Per claims 28 and 29, Stewart teaches indicating whether the test passed or failed (column 18, lines 1-9).

Per claim 34, Stewart teaches a method for remotely controlling and testing a train including providing a transmitter (32, figure 5) having a user interface for receiving a plurality of commands from the user (column 7, lines 16-21), including a brake test command (see column 17-18), generating internal signals in the transmitter representing the command and generating a communication to the slave controller (column 6, lines 55-56).

Per claim 35, Stewart teaches conveying a brake pipe test result to a user (column 18, lines 1-9).

Per claim 36, Stewart teaches a visual indication (column 18, lines 32-35).

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Per claim 37, Stewart teaches that the unit may be integrated into a common housing (column 5, lines 1-9).

Per claims 38 and 39, Stewart teaches that the system is capable of audio alarms (see figure 4).

Per claim 40, Stewart teaches indicating whether the test passed or failed (column 18, lines 1-9).

Per claims 41 and 43, Stewart teaches that the operator may initiate airflow and leakage tests (columns 17-18).

Per claims 42 and 44, Stewart teaches detecting airflow rate (column 17-18).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hill et al. (US20020017439A1) teaches a brake system and method. Delaruelee (US006375276B1) teaches a railway brake system including enhanced pneumatic brake signal detection and associated methods. Heneka et al. (US006095618A) teaches a segmented brake pipe train control system and related methods. Cook (US005722736A) teaches an electronic pneumatic brake system. Fernandez et al. (US005383717A) teaches brake control of a helper locomotive. Nichols et al. (US005039038A) teaches a railroad communication system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Gibson whose telephone number is (571) 272-6960. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG


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